

UNITED STATES DISTRICT COURT

for the

Southern District of Indiana

United States of America
v.

Jimmie Harris

Defendant(s)

Case No.

1:21-mj-00870

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 13, 2021 in the county of Marion in the
Southern District of Indiana, the defendant(s) violated:*Code Section*

21 U.S.C. § 841(a)(1)

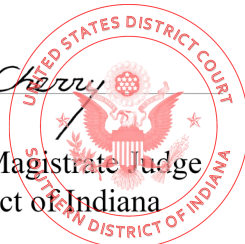
*Offense Description*Possession with the Intent to Distribute 500 Grams or more of a Mixture or
Substance Containing a Detectable Amount of Methamphetamine

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.

/s/ Mark Kunst*Complainant's signature*

Mark Kunst, TFO/FBI*Printed name and title*Attested to by the applicant in accordance with the requirements of Fed.R.Crim.P. 4.1 by
telephone *(reliable electronic means)*Date: 9/15/2021City and state: Indianapolis, Indiana*Paul R. Cherry*
Paul R. Cherry
United States Magistrate Judge
Southern District of Indiana

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

I, Mark Kunst, a Task Force Officer with the Federal Bureau of Investigation, United States Department of Justice, being duly sworn under oath, hereby depose and state as follows:

INTRODUCTION

1. I am an investigative or law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7) and Federal Rule of Criminal Procedure 41(a)(2)(C), as a Task Force Officer (TFO) with the Federal Bureau of Investigation (FBI).

2. I am a TFO with the FBI, Indianapolis Division. I have been so employed since April 2017, and as such have been assigned to investigate narcotic violations, violent crimes and other criminal offenses which have occurred in the Southern District of Indiana. I have received training and experience in interviewing and interrogation techniques, arrest procedures, search and seizure, search warrant applications, and various other criminal investigation methods. In the course of conducting investigations, I have been involved in the use of the following investigative techniques: interviewing informants and cooperating witnesses, conducting physical surveillance, consensual monitoring and recording of both telephonic and non-telephonic communications, and executing search warrants. In addition to serving as a TFO, I am Detective with Indianapolis Metropolitan Police Department (IMPD). In that capacity, I am assigned to work investigations involving robbery, narcotics, gangs, and gun offenses. I have been employed as a police officer and, now detective, with IMPD since September, 1999.

3. This affidavit is offered in support of a complaint and arrest warrant for JIMMIE RAY HARRIS for possession with intent to distribute methamphetamine in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

BACKGROUND OF THE INVESTIGATION

4. The statements contained in this affidavit are based in part on information developed by other TFOs and Special Agents of the FBI, Officers and Detectives of IMPD, and Indiana State Parole Agents who aided in the investigation. Unless otherwise noted, whenever in this affidavit I assert that a statement was made, the information was provided by another law enforcement officer or an investigator (who may have had either direct or hearsay knowledge of the statement) to whom I have spoken or whose report I have read and reviewed. Likewise, any information pertaining to vehicles and registrations, personal data on subjects, and record checks, has been obtained through the Law Enforcement Automated Data System (LEADS), various state driver's license motor vehicle records, online database searches or the National Crime Information Center (NCIC) computers, and various open source databases such as LexisNexis.

5. Since this affidavit is being submitted for the limited purpose of supporting the application in this matter, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish the probable cause for the issuance of the arrest warrant sought.

PROBABLE CAUSE

1. On September 8, 2021, this Affiant arrested Jimmie Ray HARRIS [HARRIS] after HARRIS led Indianapolis Metropolitan Police Department Interdiction Officers on a vehicle chase. During the chase HARRIS threw a bag from his vehicle that contained suspected cocaine weighing approximately 907.18 grams. HARRIS also threw a baggie of suspected methamphetamine weighing approximately 28 grams, a baggie of suspected cocaine weighing

approximately 28 grams, and a baggie of suspected heroin weighing approximately 28 grams. HARRIS had \$22,147.50 in cash on his person and in his vehicle at time of arrest.

2. HARRIS was charged in Marion County, Indiana under cause number 49D31-2109-F2-028350 for Dealing in cocaine, a Level 2 Felony, Dealing in methamphetamine, a Level 2 Felony; and, Dealing in a narcotic drug, a Level 2 Felony. HARRIS was placed in custody at the Marion County Jail.

3. On September 9, 2021 at approximately 12:53 pm, HARRIS made an outgoing phone call to Cynthia Smith (Smith). During the phone call HARRIS asked Smith how many (Drugs) were still at the house and not to worry because he gave the police a different address. Smith stated that there were seven or six left (quantity of drugs). HARRIS asks how much of his money Smith still had. Smith stated she had \$3000.00 dollars of HARRIS' money. HARRIS asked who has come by to pay their drug debts. Smith then started giving off names. HARRIS told Smith to write down who owes what money. HARRIS then directed Smith to only deal with two people they can trust. Smith told HARRIS she had a friend come over and clean the house up. Smith then told HARRIS she had her friend put up all of his stuff and lock it up in her truck.

4. On September 10, 2021, HARRIS posted an 80,000 surety bond on his pending 49D31-2109-F2-028350, State of Indiana case. HARRIS was released from custody on the surety bond.

5. On September 13, 2021, at approximately 12:35 pm, Officer Jacob Chestnut, employed by the Indianapolis Metropolitan Police Department (IMPD) assigned to the South East District Violence Reduction Team (VRT) and Law Enforcement Liaison (LEL) Jill Jones of the Marion County Community Corrections, and Detective William Gilbert of the Indiana Crime Guns Task Force conducted a home visit at 2315 Spann Ave, Indianapolis, Indiana. LEL Jones

was visiting Smith who was on GPS monitoring for Dealing in Methamphetamine as a Felony level 3 under Marion County, Indiana Cause number 49G20-1805-F2-015799. The contract that Smith signed on February 13, 2020 states that she waives her rights under the Fourth Amendment of the United States Constitution as well as Article 1 Section 11 of the Indiana State Constitution, regarding search and seizure of her person or effects. It also states that she shall permit Marion County Community Corrections staff, and/or their contracted vendor, as well as any member of Law Enforcement acting on Marion County Community Corrections behalf, to search her person residence or motor vehicle, or any location where your personal property may be found, to ensure compliance with the requirements of the Marion County Community Corrections or their contracted vendor.

6. LEL Jones and Detective Gilbert were able to contact Cynthia Smith and explained they were there on a compliance check. A protective sweep of 2315 Spann Avenue was conducted. During the protective sweep HARRIS was located inside of the residence along with a small child. It was determined during the sweep that Smith, HARRIS and the small child were the only occupants of the residence. Officer Chestnut located suspected methamphetamine in lines on top of the dryer in the laundry room on a glass plate weighing approximately 98.9 grams. Also next to the plate was a glass meth pipe with burn marks.

7. A search warrant was applied for and granted at approximately 2:04 pm for the residence of 2315 Spann Avenue, Indianapolis, Indiana. A search of the residence was conducting by Officer Chestnut and other members of the Indiana Crimes Gun Task Force. During the search TFO Jake Hart located a 9mm magazine with ammunition in the shed behind the residence. Detective Chris Smilko located a bag of suspected methamphetamine weighing approximately 534.7 grams in the garage in a desk drawer. Detective Gilbert located a bag of

suspected methamphetamine in a DeWalt floor vacuum weighing approximately 269.6 grams. Detective Smilko located two bags of suspected methamphetamine in a DeWalt bag in the garage weighing approximately 1224.5 grams. Officer Messer located a shard of suspected methamphetamine in the south east bedroom on the closet shelf weighing approximately 79.7 grams. Detective Smilko located \$11,627.00 in United States currency inside a safe in the master bedroom. Detective Williams located \$2,037.00 in United States currency in the living room couch. Detective Shelburne located \$245.00 in United States currency inside a black purse inside the master bedroom.

8. The suspected methamphetamine was transported by this affiant to the DEA field office. Special Agent Kim Gaczkowski field tested the bag of suspected methamphetamine weighing approximately 1224.5 grams. The suspected methamphetamine field tested positive for suspected methamphetamine.

9. Officer Chestnut read Cynthia Smith her Miranda Warning from his IMPD Miranda Card. Smith stated she understood her rights. Smith stated she knew HARRIS was dealing methamphetamine. Smith stated she had knowledge that HARRIS was dealing and cleaned the residence up on September 8, 2021 after HARRIS was arrested on a separate investigation. Smith disposed of baggies, paraphernalia, and pills that were located inside the residence. Smith came back today to clean up the methamphetamine.

CONCLUSION

Based on the facts set forth in this affidavit, your Affiant submits that probable cause exists that on September 13, 2021, in the Southern District of Indiana, Jimmie Ray HARRIS, did knowingly possess with the intent to distribute 500 grams or more of a mixture or substance

containing a detectable amount of methamphetamine, in violation of 21 U.S.C. § 841(a)(1). I respectfully request this Court issue a Criminal Complaint charging HARRIS accordingly, along with a warrant for his arrest.

/s/ Mark Kunst

Mark Kunst
Task Force Officer
Federal Bureau of Investigation
Indianapolis, Indiana

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: 9/15/2021

Paul R. Cherry
Paul R. Cherry
United States Magistrate Judge
Southern District of Indiana

